

UNITED STATES DISTRICT COURT

for the

District of

Division

Amended 11-25-2020

Case No.

3:20-cv-01877-YY

(to be filled in by the Clerk's Office)

Sheila Corbin

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Cindy Bailey, Washington County DD office and

Defendant(s)

DHS

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Sheila Corbin
 Address 515 NW Saltzman Rd Box #667
Portland OR 97229
City State Zip Code
 County Washington
 Telephone Number 617-721-9854
 E-Mail Address corbin.sheila@outlook.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Cindy Bailey
 Job or Title (if known) Adult Foster Home Certifier Washington County
 Address 5240 NE Elam Young Pkwy, #150
Hillsboro OR 97124
City State Zip Code
 County Washington
 Telephone Number 503-846-3150
 E-Mail Address (if known) _____

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name Washington County Developmental Disabilities Office
 Job or Title (if known) All Employees affected by Cindy Bailey
 Address 5240 NE Elam Young Pkwy #150
Hillsboro OR 97124
City State Zip Code
 County Washington
 Telephone Number 503-846-3150
 E-Mail Address (if known) _____

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name State of Oregon I/DD Licensing and Foster Care
 Job or Title (if known) Barb Southard; Nicole Winje
 Address 500 Summer St. NE E-15
Salem OR 97301
City State Zip Code
 County Marion
 Telephone Number add. licensing@state.or.us
 E-Mail Address (if known) 503-945-7800
☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Address _____

City State Zip Code
 County _____
 Telephone Number _____
 E-Mail Address (if known) _____
☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Equal Protection under Fourteenth Amendment of the US Constitution.

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Denial of my civil rights - color, race, ethnicity, sex, age.
Whistleblower Retaliation, Unequal Terms and Conditions of my role as ~~ATF~~ ATF

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Adult Foster Home Provider

See attachment

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Please see attachment

- B. What date and approximate time did the events giving rise to your claim(s) occur?

2012 - April 2020

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

please see attachment

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I am in need of counseling to deal with the inordinate amount of stress ^{caused by this ordeal} I fear for the safety of myself and my family. Once, Cindy Bailey complained about one of my foster children who was a fire setter and although I handled him really well and helped him graduate high school and go to college, they mentioned this child in such a negative light that I feared Cindy Bailey and her office would break in to my home, set me and the child on fire because Cindy Bailey and her entourage ^{of both of us} hated ^{us} was so deep that I am now experiencing PTSD, distress and duress.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- money damages
- media attention to shed light on my cause to let the world know that although Cindy Bailey and her gang's behavior will be supported, upheld and encouraged to further inflict harm ^{on others} I want exposure.
- a full investigation by an impartial agency to weed out the deep, pervasive corruption that exists and never allow fake, watered down Diversity Workshops ^{because they don't work}

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

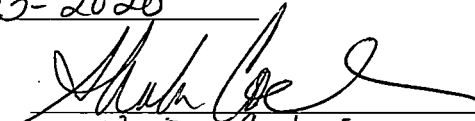
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11-23-2020

Signature of Plaintiff

Printed Name of Plaintiff


Sherita Corbin

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Sheila Corbin, Plaintiff

Cindy Bailey, Washington County Developmental Disabilities and State of Oregon Department of Human Services, Defendants

Case No. 3:20-cv-01877-YY

Cure complaint
State a claim
Show cause

The defendants unlawfully harmed me by denying my federal civil rights under Title 42, United States Code, Section 1983 based on my color, race, age, and sex. The defendants engaged in discriminatory practices with malice and with reckless indifference to me as a federally protected class. I am a mixed race person born to a white father and an African American mother back in 1958 in the United States when it was illegal, according to the U.S. federal courts, for my parents to marry because the federal courts upheld miscegenation laws, yet they had to travel far and wide in order to find a Justice of the Peace to marry them. I am a sixty-two-year-old unmarried female. I am supposedly a "protected class" (at least on paper) based on the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

I am now in hiding as I fear for my safety and the safety of my family based on menacing behaviors and threats that can become physical assaults.

Tort Claims Notice Sent Pursuant to ORS 30.275

Notice: A claim for damages will be asserted against Cindy Bailey, Washington County Developmental Disabilities Office, DHS and the below named employees or agents of DHS.

Claimant: Sheila Corbin
Date Injured: April 1, 2020 and before
Time: During and after business hours
Circumstances: Claimant was injured by the discrimination outlined below.
Mailing address: Sheila Corbin
515 NW Saltzman Rd, #667
Beaverton, OR 97229

I, Sheila Corbin, pro se, in connection with claims for money damages intends to pursue against Cindy Bailey, Department of Human Services, Washington County Oregon Developmental Disabilities Office and its officers and employees, including, but not limited to, Cindy Bailey and regarding my role as an Adult with Developmental Disabilities Foster Home provider. Please confirm no later than September 10, 2020 that you agree to accept service of this tort claim notice on behalf of State of Oregon Department of Human Services, Cindy Bailey, and Washington County Developmental Disabilities Office.

Sheila Corbin hereby places DHS, Cindy Bailey and DHS's other officers and employees on notice regarding my intent to file claims for money damages, injunctive relief, and equitable remedies, including but not limited to the following legal theories; Whistleblower Retaliation (ORS 659A.199 and 659A.203); Discrimination and Retaliation based on age, race, ethnicity and familial status (ORS 695A.030); Discrimination and Retaliation (ADEA); Aiding and Abetting in Discrimination against Cindy Bailey and others (ORS 695A.030(1)(g)); Defamation ORS 135.733; Intentional Interference with Contractual Relations against Bailey and possibly others; for Common Law Wrongful discharge in violation of public policy based upon the public policies embodied in the common law, statutes and regulations of the State of Oregon and the United States including, but not limited to ORS 659A.199, ORS 659A.203, and violation of my state and federal constitutional substantive and procedural due process rights, liberty interests and my right to equal protection.

Factual Allegations

1. Sheila Corbin was hired as a Foster Care Provider at Department of Human Services (DHS) Washington County office in September 2015. I worked with children and the adult population with intellectual disabilities. I protected a child who was on the case load of Cindy Bailey (who has since been honored in her office and the offices in Salem, Oregon) for Cindy Bailey contributed to the attempted murder of a child and as a result, she was awarded a promotion to Adult Foster Care Home Certifier. This child was born in Africa. So many employees in her office and the state of Oregon Disability Office, including her bosses, paid homage to her including secretaries who aided her in plots to destroy my character, defame me, slander me, and institute an environment of systemic racism, age and familial status discrimination against me which is unconstitutional.
2. Throughout my time there, I was continually subjected to intense animosity, egregious actions against me and continual harassment based on my race, ethnicity, marital status, and age.
3. I experienced a lack of racial insensitivity when one of the Home Certifiers stated that there was no point in taking a workshop on cultural sensitivity.
4. There were continual unfounded attacks and accusations of abuse that I supposedly perpetrated against my disabled resident and since they were fabricated and untrue, the state of Oregon found them unsubstantiated. Cindy Bailey sat at my kitchen table and stated with a very smug look, that the only reason why the charges against me were unsubstantiated is because my residents' doctor did not back up Cindy Bailey's allegations and claims and she stated that she wished that he would have. (Even though it is documented that they all stated that I am a proven, skilled foster care provider). This was slander, libel, and cruel and unusual punishment.
5. I was never given the supports that were owed to me to adequately care for my resident when other providers that I know of in other counties in Oregon were given support and they are not of the same race.
6. The state of Oregon denied the renewal of my license based on bogus claims initiated by Cindy Bailey. They purposely looked the other way and attempted to stranglehold me into signing a document to promise that I would not reapply for an Adult Foster Care Providers license for 5 years and when I asked why so long they said that although you are a proven, skilled provider, you need *five years* to think things through. They said that if I did not sign the document, I would have to go in front of a U.S. Department of Justice judge. They tried to intimidate me into signing. I let them know that is exactly what I welcomed and I refused to sign it and begged them to get me a date with the judge and they swiftly dropped the "Denial of License" claim. It is my

belief that they knew any judge would see plainly what they were trying to do to me and that is to deny me my civil rights under the Equal Protection Clause of the fourteenth Amendment of the United States Constitution.

It is my belief and recollection that up into this past April, 2020, there was a systematic attack headed by Cindy Bailey, the social workers of her choosing and her bosses and secretary and my foster care resident's ineffective program known as Empowerment Services (which has shut its doors), launched against me to terminate my role as an Adult Foster Care Provider because of my race, age, color, sex: all of the protected classes under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

7. It is evident that all of the other providers in Washington County are treated differently than I am because they are of different ethnicities and I was assertive with them and I do not possess the slave-like mentality. Once, when I attended a workshop, I left my seat to go to the restroom and another favored Adult Foster Care Provider (of another ethnicity) sat in my chair, and upon my returning to the meeting, Cindy Bailey ran over to help this other provider as if I had done something wrong in returning to my original chair that I had put my jacket on to indicate that someone was occupying it. There are very few African American Adult Foster Care providers in Washington County and if one googles that office, it is said that there is rampant corruption that continues unabated, so it is apparent that there are other providers who are being mistreated and abused and Cindy Bailey and her office need to be investigated.
8. They threw every unimaginable hurdle at me so that the fragile foster care residents would be hurt because it is known that their hatred is so deep of African Americans that they felt it necessary to inflict harm upon me because in this country and in every aspect of society, African American are the most despised race and Cindy Bailey and her gang know that they will be upheld even in their deprivation of violating my civil rights. I am a protected class and my most fundamental human and civil right to be a foster care provider and my desire give back by helping this most vulnerable population has been upended for no other reason other than their hatred of my race, age, color, and ethnicity. I am denied rights guaranteed to me under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. I was not treated the same and there is no rational relationship for difference in treatment.

Again, please acknowledge this tort claims notice in writing by September 10, 2020 and direct all further correspondence to the undersigned. Thank you.

Sincerely,

Sheila Corbin

Sheila Corbin, B.A., Brandeis University; M.Ed., University of Massachusetts at Boston
Former State of Oregon Adult Foster Provider
Math Instructor, Portland Community College

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

551-2020-03228**OREGON BUREAU OF LABOR & INDUSTRIES - CIVIL RIGHTS DIVISION**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

MS. SHEILA T CORBIN

Home Phone

(617) 721-9854

Year of Birth

1958

Street Address

City, State and ZIP Code

515 NW SALTZMAN RD., #667, PORTLAND, OR 97229

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

STATE OF OREGON ADULTS WITH INTELLECTUAL DISABILITIES

No. Employees, Members

501+

Phone No.

(503) 945-8096

Street Address

City, State and ZIP Code

500 SUMMER STREET, NE E-15, SALEM, OR 97301

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☒

RETALIATION

☒

AGE

☒

DISABILITY

☐

GENETIC INFORMATION

☐

OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**01-23-2020 01-23-2020**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Sheila Corbin on 08-31-2020
04:06 PM EDT**

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge
No(s):☐

FEPA

☒

EEOC

551-2020-03228**OREGON BUREAU OF LABOR & INDUSTRIES - CIVIL RIGHTS
DIVISION**

and EEOC

State or local Agency, if any

I was hired as a Foster Care Provider by the Oregon Department of Health Services, Adults with Intellectual Disabilities. I performed my duties satisfactorily. I was treated less favorable than other younger, males, non-disabled, Foster Care Providers. On or around 2012 I reported a child being abused. I believe I was denied my license in retaliation for complaining previously.

I believe I was discriminated because of my sex (female), my disability, and my age (62), in violation of Title VII of the Civil Rights Act, the Americans with Disabilities Act, and Age Discrimination in Employment Act, as well as retaliated against for participating in protected activity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Sheila Corbin on 08-31-2020
04:06 PM EDT**

NOTARY - *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).

2. AUTHORITY. 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sheila T. Corbin**
515 NW Saltzman Rd.
#667
Portland, OR 97229

From: **Seattle Field Office**
909 First Avenue
Suite 400
Seattle, WA 98104-1061



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

551-2020-03228

Jerry Bermudez,
Investigator

(206) 220-6894

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

No Employee-Employer Relationship

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

for

Nancy A. Sienko,
Director

October 02, 2020

(Date Mailed)

Enclosures(s)

cc:

**STATE OF OREGON ADULTS WITH INTELLECTUAL
 DISABILITIES**
500 Summer Street
NE E-15
Salem, OR 97301

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

Note: *Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability.* For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.